

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GENERAL MOTORS LLC,

Plaintiff,

vs.

WOODHOUSE AUTO FAMILY, INC.;
HUBER CHEVROLET, INC.; HUBER
CADILLAC, INC.; YABA, LLC; and NBC
PROPERTIES, LLC

Defendants.

Case No.: 8:22-cv-157

**DEFENDANT WOODHOUSE AUTO
FAMILY, INC.’S MOTION TO DISMISS
AMENDED COMPLAINT, CROSS-
CLAIM AND COUNTERCLAIM**

COMES NOW Defendant Woodhouse Auto Family, Inc. (“Woodhouse”) and, pursuant to Fed. R. Civ. P. 12(b)(6), moves to dismiss the First Amended Complaint for Declaratory Judgment filed by Plaintiff General Motors LLC (“General Motors”) and the Cross-Claim and Counterclaim filed by Huber Chevrolet Co., Inc.; Huber Cadillac, Inc.; YABA, LLC and NBC Properties, LLC (collectively, “Huber”).

This case concerns the application of the Nebraska Motor Vehicle Industry Regulation Act to General Motor’s exercise of a Right of First Refusal with respect to an Asset and Real Estate Purchase Agreement executed by and between Woodhouse and Huber. As Neb. Rev. Stat. § 60-1430 precludes the relief sought by both General Motors and Huber, the Amended Complaint, Cross-Claim and Counterclaim fail to state a claim upon which relief can be granted. For this reason, and as set forth fully in Woodhouse’s Brief in Support of Motion to Dismiss filed concurrently herewith, Defendant Woodhouse Auto Family Inc. asks that the Court dismiss the Amended Complaint, Cross-Claim and Counterclaim, with prejudice, in their entirety.

Dated this 14th day of June, 2022.

WOODHOUSE AUTO FAMILY, INC., Defendant

By: /s/ Kristopher J. Covi
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Attorneys for Defendant Woodhouse Auto Family,
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following counsel of record:

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